



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

REINHART BOERNER VAN DEUREN SC
ATTN: LINDA GABRIEL, DOCKET COORDINATOR
1000 NORTH WATER STREET, SUITE 2100
MILWAUKEE, WI 53202

COPY MAILED

JAN 14 2005

OFFICE OF PETITIONS

In re Application of :
Wade C. Patterson et al :
Application No. 10/035,959 : DECISION GRANTING PETITION
Filed: October 23, 2001 : UNDER 37 CFR 1.137(f)
Attorney Docket No. 8217 :

This is a decision on the petition, filed October 18, 2004, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is GRANTED.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on October 23, 2001. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m);
and

(3) a statement that the entire delay in filing the
required reply from the due date of the reply until
the filing of a grantable petition was
unintentional.

The instant petition has been found to be in compliance with 37
CFR 1.137(f). Accordingly, the failure to timely notify the
Office of a foreign or international filing within 45 days after
the date of filing of such foreign or international application
as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c)
is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. §
122(b)(2)(B)(i) has been rescinded. A Notice Regarding
Rescission of Nonpublication Request which sets forth the
projected publication date of April 21, 2005 has been mailed
under separate cover.

Any inquiries concerning this decision may be directed to the
undersigned at (571) 272-3218.

This matter is being referred to Technology Center Art Unit 3754
for appropriate action as the nature of the case requires.



Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy